



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, DECEMBER 6, 2023

On Wednesday, December 6, 2023, the Board of Zoning Appeals held a public hearing in the Fifth Floor Conference Room, 900 East Broad Street, at 1:00 p.m.; display notice having been published in the Richmond Legacy Newspaper on November 22 and 29, 2023 and written notice having been sent to interested parties.

Members Present: Rodney M. Poole, Chair
 Roger H. York, Jr., Vice-Chair
 Mary J. Hogue
 Susan Sadid
 Leigh V. Kelley

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner
 Neil R. Gibson, Senior Assistant City Attorney

The Chairman called the meeting to order and read the Board of Zoning Appeals Introductory Statement, which explains the proceedings of the meeting. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 40-2023

APPLICANT: WBB Homes LLC

PREMISES: 618 WEST 20th STREET
(Tax Parcel Number S000-0362/002)

SUBJECT: A lot split and building permit to construct a new single-family
(detached) dwelling.

DISAPPROVED by the Zoning Administrator on October 16, 2023, based on Sections 30-300 & 30-412.4(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the lot area and lot width requirements are not met. Lot areas of five thousand square feet (5,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 7,440 square feet and a lot width of sixty two feet (62') currently exists. Lot areas of 3,720 square feet and lot widths of thirty-one feet (31') are proposed.

APPLICATION was filed with the Board on October 12, 2023, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Will Gillette

Against Applicant: Grace Kuhn

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, WBB Homes LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 618 W. 20th Street. Mr. Will Gillette, representing the applicant, testified that a single-family dwelling currently exists on the northern portion of the property. The request is to permit a new single-family dwelling on the vacant southern portion of the lot. Mr. Gillette noted that the request is consistent with the special exception intent of creating infill housing which is compatible with the neighborhood. The dwelling will be a high-quality for sale product with approximately 2000 ft.² of floor area including three bedrooms and 2 ½ baths. The exterior design is compatible with the surrounding neighborhood and will include cementitious siding. The proposed dwelling was approved by the Commission of Architectural Review. The zoning office has determined that the property in question is a legal lot of record measuring 31 feet in width and 120 feet in depth and containing 3720 ft.². Mr. Gillette noted that the proposed project complies with the relevant special exception criteria. Off-street parking will be provided at the rear of the site. Further, the proposed lots are consistent with the predominant lot areas and lot widths in the vicinity. Mr. Gillette stated that the new dwelling will be compatible with other dwellings in the vicinity which consist of a mix of one and two-story single-family detached dwellings including

a range of forms and materials. Mr. Gillette concluded by stating that they had reached out to the Spring Hill Neighborhood Association but had received no response. In addition, letters were sent to all property owners within a 150 ft radius.

Speaking opposition, Ms. Grace Kuhn testified that she resided at 614 W. 20th Street which is located directly south of the proposed construction. Ms. Kuhn noted that the former owner Ms. Ann May had expressed her opposition to the splitting of the lots as she cherished her large garden, enjoyed observing neighborhood cats within it, and utilize the space to facilitate a safe path for young children to walk between the dwellings. Ms. Kuhn stated that an additional development in the neighborhood was not in the best interest of the community. Ms. Kuhn acknowledged that the project had been approved by the Commission of Architectural Review but questioned its timing. Ms. Kuhn expressed concern over the fact that WBB Homes had given no indication as to what they planned for the current two-story dwelling on the remainder of the property.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to WBB Homes LLC for a lot split and building permit to construct a new single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Sadid, Kelley

negative: None

BZA 41-2023 (WITHDRAWN)

APPLICANT: Canvas Development LLC

PREMISES: 604 ½ HANCOCK STREET
(Tax Parcel Number N000-0468/016)

SUBJECT: A building permit to construct a new single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on October 13, 2023, based on Sections 30-300 & 30-413.15(2)a of the zoning ordinance for the reason that: In an R-8 (Urban Residential) District, the side yard (setbacks) requirements are not met. A side yard of three feet (3') is required along both side property lines. A side yard setback of 2.5' is proposed along the southwestern property line and a 1.5' setback is proposed along the northeastern property line.

APPLICATION was filed with the Board on October 13, 2023, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

BZA 42-2023

APPLICANT: 3TAC Homebuyers LLC

PREMISES: 709 AKRON STREET
(Tax Parcel Number N018-0505/008)

SUBJECT: A lot split and building permit to construct a new single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on October 12, 2023, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 10,350 square feet and a lot width of ninety feet (90') currently exists. A lot area of 3,450 square feet and lot width of 30 feet are proposed for No. 709. A lot area of 6,900 square feet and lot width of 60 feet are proposed for No. 707.

APPLICATION was filed with the Board on October 16, 2023, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Alessandro Ragazzi

Against Applicant: Francine Chavis Barnes

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, 3TAC Homebuyers LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 709 Akron Street. Mr. Alessandro Ragazzi, representing the applicant, testified that the proposal is to permit construction of a new single-family detached dwelling at 709 Akron Street which is located on the South line of Akron Street, between Corbin Street and Piney Road. The lots are approximately 30 feet in width and 115 feet in depth containing 3450 ft.² of lot area. Mr. Ragazzi stated that 709 Akron Street is a single lot of record which had previously been combined with 707 Akron Street to the east. Mr. Ragazzi noted that the request is consistent with the special exception intent of creating infill housing that is compatible with the surrounding neighborhood. The proposed dwelling will contain approximately 1360 ft.² of floor area including three bedrooms and 2 ½ baths. The exterior of the dwelling will be consistent with the neighborhood character and include cementitious siding. With the exception of the lot area and lot width request all other zoning requirements have been met. The proposed lots are consistent with the predominant lot areas and lot widths in the vicinity and the new dwelling will be compatible with other dwellings in the vicinity which consist of a mix of one and two-story single-family detached dwellings including a range of forms and materials. Mr. Ragazzi concluded by stating that letters had been sent to all property owners within a 150-foot radius and the proposed special exception have been approved by the Washington Park Civic Association.

Speaking opposition, Ms. Anne Soffee testified that she was in opposition to the proposed special exception request for construction of a new dwelling at 709 Akron Street. Ms. Soffee stated that after hearing from her neighbors who live closest to the subject lot she had concluded that the proposed construction would have a negative impact on the quality of life for the surrounding residents. Ms. Soffee noted that the owner of 711 Akron Street would be losing significant natural light on one side of the residence due to the height and width of the proposed dwelling. Ms. Soffee stated that the other neighborhood residents are not opposed to mindful construction and infill in the neighborhood. It was noted that there are a number of projects both completed and in progress that add to the neighborhood without significant impact on the immediate neighbors. Ms. Soffee

concluded by stating she believed the builder should work with the Akron Street homeowners to develop a solution that is more compatible with the neighborhood.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to 3TAC Homebuyers LLC for a lot split and building permit to construct a new single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

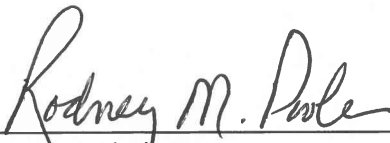
Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Sadid, Kelley

negative: None

Upon motion made by Ms. Sadid and seconded by Mr. York, Members voted (4-0) to adopt the Board's November meeting minutes.

The meeting was adjourned at 1:30 p.m.


Chairman

A handwritten signature in cursive script, appearing to read "Ray W. Bendor".

Secretary